

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

VERT SOLAR FINANCE, LLC,

Debtor.

Chapter 7

Case No. 19-33347

Judge Jeffrey P. Norman

EVA S. ENGELHART, CHAPTER 7 TRUSTEE,

Plaintiff,

v.

JOAQUIN ALTENBERG, CLEAN ENERGY
NEXUS, LLC, VERT INVESTMENT GROUP,
LLC, and ALISON ALTENBERG,

Defendants.

Adv. Proc. No. 21-03442

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): **Eva S. Engelhart, Chapter 7 Trustee**

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☒ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☐ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: **Order Granting Motion to Dismiss (ECF No. 67) attached hereto.**

2. State the date on which the judgment, order, or decree was entered: **10/19/2021**

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

- | | |
|---|--|
| 1. Party: Joaquin Altenberg | Attorney: H. Miles Cohn
Crain, Caton & James, PC
1401 McKinney St., Suite 1700
Houston, TX 77010
713.752.8668 |
| 2. Party: Clean Energy Nexus, LLC | Attorney: H. Miles Cohn
Crain, Caton & James, PC
1401 McKinney St., Suite 1700
Houston, TX 77010
713.752.8668 |
| 3. Party: Vert Investment Group, LLC | Attorney: H. Miles Cohn
Crain, Caton & James, PC
1401 McKinney St., Suite 1700
Houston, TX 77010
713.752.8668 |
| 4. Party: Alison Altenberg | Attorney: H. Miles Cohn
Crain, Caton & James, PC
1401 McKinney St., Suite 1700
Houston, TX 77010
713.752.8668 |

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/ **Trey A. Monsour**

Date: **10/29/2021**

Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Trey A. Monsour, Esq. (Tex. Bar No. 14277200)
Fox Rothschild LLP
Saint Ann Court
2501 North Harwood Street, Suite 1800
Dallas, TX 75201
Tel: (214) 231-5796
Fax: (972) 404-0516
2900 West Dallas Street #515
Houston, TX 7521
Cell: (713) 927-7469
E-mail: tmonsour@foxrothschild.com

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[**Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]